IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/890,702	**Confirmation No.:** 6219
Applicant	:	Claudio Cabano	
Filed	:	January 9, 2002	
Title	:	METHOD FOR FINDING MEMBERS OF A COMMON INTEREST GROUP	
TC/AU	:	2684	
Examiner	:	Sujatha R. Sharma	
Docket No.	:	33835	
Customer No.:		**116**	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131
ESTABLISHING PRIOR INVENTION

Sir:

This Declaration under 37 CFR 1.131 is filed along with supporting material and an Amendment in response to the Office action of December 22, 2006, and should be considered by the Examiner in light of the response.

DECLARATION UNDER 37 CFR 1.131
ESTABLISHING PRIOR INVENTION

We, as inventors in the above-identified patent application, hereby declare as follows:

1. Our residences, post office addresses, and citizenship are as stated below next to our names.

2. In Switzerland, on or before May 19, 1999, we conceived, individually or in concert, of a method and system allowing users of portable devices to find and identify members of a common interest group, to which the above-referenced U.S. patent application is directed.

3. We have read and understood the above-referenced U.S. patent application, including entered claims 1-52 as presently amended and new claim 53 as presently provided.

4. It is our belief that the whole invention as set forth at least in Claims 1, 40-42 and 51-53 of the above-referenced patent application was in our possession on or before May 19, 1999. Specifically, with reference to the cited claims, our invention included a method and apparatus (or system) for building at least one database in which a plurality of interest groups are stored and profile information, including characteristics of the members of the interest groups, are also stored. Furthermore, these interest groups would include users of terminals or mobile devices. Also provided is at least one server accessible from within a radio network for accessing the data in the database, and for sending a message to at least one of the members of the common interest group if another member (or members) is in the vicinity of the member of the interest group. The user can be detected in the vicinity by, for example, a GPS system. The provided

message can include profile information of the member(s) in the vicinity, which, in turn, could include identification characteristics of those member(s). Furthermore, the mobile device could provide the profile information of the member(s) in the vicinity to the receiving member and, if identification characteristics are provided in the message, provide such characteristics of the member(s) in the vicinity. This information can thus be used for enabling the identification of the member(s) in the vicinity by the member that receives the information, for example via the display on his mobile device. This recognition could occur even when the member receiving the information has never seen the member(s) in the vicinity.

5. Further, it is our opinion and belief that the attached disclosure information (along with its translation into English, where appropriate), which was captured for the purpose of preparing a patent application and is dated prior to the date of May 19, 1999, provides documentary evidence that the invention, as described in the cited claims and as described in paragraph 4, above, was in our possession prior to the date of May 19, 1999. Our opinion is supported by the attached mapping of the information of this disclosure to the language of the independent claims as shown and described in Appendix A, as prepared by our representative and reviewed by us. Although this attached disclosure is some evidence of state of the invention at the time of its generation, it does not necessarily provide the complete state of the invention as it existed at the time of its generation, as additional features and detail not found in this disclosure were also in our possession at that time as well.

6. Our signatures below provide our agreement that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that

such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature: _____

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Signature: _____

Date: 05.06.2007

Citizenship: Swiss

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Attachments:

Appendix A (11 pp.)
Disclosure (5 pp.) and Translation (2 pp.)

Attachment
Entwurf : 9.99
Anmeldung : 10.99

1/5

swisscom

Ps 87

Memo

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Erfinder

From Adriano Huber, David Perels, Claudio Cabano

Copy to Eric Lauper

Date [redacted]

Subject Mobile Meet Friends and Business Partners

Cc

Patent Idea for Mobile Meet Friends and Business Partners

Abstract/Scope

The post-industrial society is changing quickly. People are loosing their roots, need to work in a more inter-connected world, need to meet other people, need to keep contact with older friends or business partners. This applies both to the private environment as to the business environment.

The introduction of new mobile computing technologies enables the provision of a service that fullfill all these needs. This description addresses the methods necessary to provide these services.

Functionality

Different Groups: User, Group, Community

Create/Admin User, Group, Community

Personal / Business / Info

Profiling

Loyalty programs

Preferred Meeting Points

Alerts

Meetings

Active/Passive meeting establishment (push/pull)

Positioning vs. privacy

Anonymity vs. Certification of identity

Negotiation/confirmation

Preferred I/O (various devices or access methods)

Device

Web Homepage

Fundgrube

Conferences

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[redacted]
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Games

Communities: anonymous , temporary,....

Technical

Localisation/Polling

Bluetooth, short range

Broadcasting (for parties, broadcast an alle der der gleiche Community gehören.)

Database in the Network

Profile brooker (für Roaming, mapping von Profile)

Interfaces (PC, TV, DAB, Mobile, Bluethooth&Jini, Proximity Detector, short range detectors, pager, mail, ...)

Web interface

Download von Profiles to the phone (phone, organiser, watch).

2 possible solutions:

1) proximity detector -> triggers the process when corresponding transmitter is in range (Lovegetty priciple)

2) network side monitoring of all subscribers participating

In order not to continuously monitor the interactions some meeting points can be defined. The server checks the positions only when near to the meeting points.

Profile:

- alter etc
- fotos
- interessen
- an Austellungen gegangen
- schlaue funktion um profil auf

Admin

Timedependent

User / Group / Community

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Location (Meeting Points)

Personal profile: new friends, old friends, new business partners, old business partners.

Device, I/O interfaces

Possible interested partners for such a service

Swisscom (Mobile, DM, Broadcast)

Partners (Branding...)

Meeting Points: Loeb, MacDonalds, Lorenzini, Kincs, SBB

SRG,DRS, Local,... (?)

Device

Mobile Phone

New: special device with GPS, GSMlight, watch, clips,...

Technical solutions

get in the system/ subscribe the service

set up a group

register for a group

activate the monitoring or the beacon transmitter (2 possible solutions)

trigger the process (the database check) when near to a Meeting Point or near a

trigger the process when near to an active transmitter

information of possible meeting

negotiation of credentials

communication (possibility to directly call the user)

guidance to the meeting

get out from the system/ unsubscribe the service

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Profilierung datenbank

- profilierung
- koordinaten
- aufträge
- aktiv oder passiv (nicht gestört werden)

Mapquest/datenbank

Prozess

User schaltet ein.

Monitor für aktive leute

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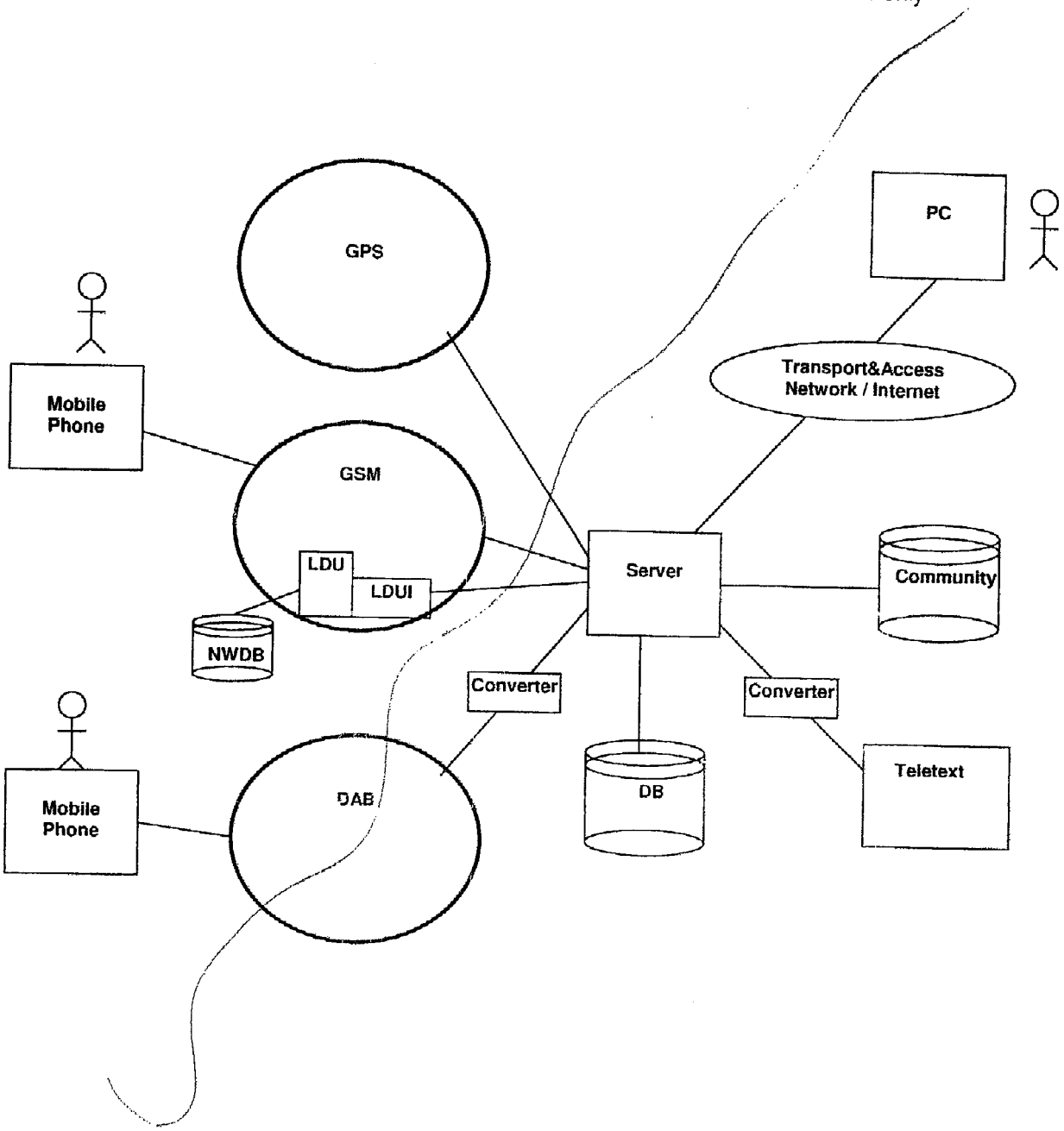

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Document 4: Swisscom memo dated [redacted]

((p. 1))

Memo
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From Adriano Huber, David Perels, Claudio Cabano
Date [redacted]
Subject Mobile Meet Friends and Business Partners

Patent idea for Mobile Meet Friends and Business Partners

Abstract/Scope

((already in English))

Functionality

((already in English save the word "Fundgrube" which means: "treasure trove"))

((p. 2))

Memo
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Games

((already in English))

Technical

Localisation/polling
Bluetooth, short range
Broadcasting (for parties, broadcast to all those who belong to the same community)
Database in the network
Profile brooker (for roaming, mapping of profile)
Interfaces (PC, TV, DAB, mobile, Bluetooth & Jini, Proximity Detector, short range detectors, pager, mail…)
Web interface
Download of profiles to the phone (phone, organizer, watch)

2 possible solutions:

((already in English))

Profile:

- age etc.
- photographs
- interests
- went to exhibition
- smart function for generating profile

Admin

((already in English))

Possible interested partners for such a service

((already in English))

Device

((already in English))

Technical solutions

((already in English))

((p. 3))

Profiling database

- profiling
- coordinates
- orders
- active or passive (do not disturb)

Mapquest / database

Procedure

User switches on
Monitor for active people

((p. 4))

((already in English))

Appendix A

Below is a mapping of the claims to pertinent materials found in the support documentation.

1. (currently amended) A method for finding members of a common interest group with a mobile device, said method comprising the steps of:

building at least one database **[pg. 2: under technical: "database in the network"; pg. 5: database block]** in which a plurality of interest groups are stored **[pg. 1 "different groups" pg. 3 "set up a group" and "register for a group"]**, these interest groups comprising users of terminals **[pg. 5 terminal blocks]**,

storing the database in at least one server accessible from within a radio network, **[pg. 1: "web homepage"; pg. 2: "database in the network"; pg. 5: server block connected to database block]**

sending a message to at least one of said members if he is in the vicinity of another of said members of the common interest group, **[pg. 1: "alerts" pg. 2: "proximity detector triggers process" and "broadcast to all those who belong to same group"; pg. 3 "trigger**

the process when near to an active transmitter" and "communication (possibility to directly call user")] wherein said message includes identification characteristics **[pg. 2: Profile includes photograph, age, etc.]**; and

said mobile device [pg 5 "mobile phone"] providing said identification characteristics to said at least one of said members for enabling the identification of the another of said members by the one of said members **[consequence of identification characteristics].**

40. (currently amended) A system with which members of a common interest group can find other members, comprising:

at least one server accessible from a radio network **[pg. 1: "web homepage"; pg. 2: "database in the network"; pg. 5: server block connected to database block]**, in which at least one database **[pg. 2: under technical: "database in the network"; pg. 5: database block]** including a plurality of interest groups stored therein **[pg. 1 "different groups" pg. 3 "set up a group" and "register for a group"]**, these interest groups comprising mobile phone users **[pg. 2 "download to phone"; pg 5 "mobile phone"]**,

location determining means for monitoring the location of the members **[pg. 2 "proximity sensor"; pg. 5, "GPS"]**,

means for determining if one or more of the members of the common interest group are simultaneously situated within a predefined distance of each other **[pg. 2 "proximity sensor" and "in range"]**,

means for sending messages if it is determined that said one or more of the members of the common interest group are simultaneously situated within said predefined distance of each other **[pg. 1: "alerts" pg. 2: "proximity detector triggers process" and "broadcast to all those who belong to same group"; pg. 3 "trigger the process when near to an active transmitter" and "communication (possibility to directly call user")]** wherein said message includes identification characteristics **[pg. 2: Profile includes photograph, age, etc.]**, and

said mobile device including means providing said identification characteristics to said members **[pg. 2: "download profiles to phone"; pg. 2 profile includes photograph]**, for enabling said members to recognize said one or more of said members **[Consequence of identification characteristics]**.

41. (currently amended) A method for finding members of a common interest group with a mobile device, said method comprising the steps of:

building at least one database **[pg. 2: under technical: "database in the network"; pg. 5: database block]** in which a plurality of interest groups are stored **[pg. 1 "different groups" pg. 3 "set up a group" and "register for a group"]**, these interest groups comprising users of terminals **[pg. 2 "download to phone"; pg 5 "mobile phone" and figure generally]**, said database including identification characteristics for at least some of the users **[pg. 2: Profile includes photograph]**;

storing the database in at least one server accessible from within a radio network **[pg. 1: "web homepage"; pg. 2: "database in the network"; pg. 5: server block connected to database block]**,

sending a message including said identification characteristics for one of said members to at least another of said members **[pg. 2: "download profiles to phone"; pg.1 profile includes photograph]** if he is in the vicinity of the another of said members of the common interest group **[pg. 1: "alerts" pg. 2:**

"proximity detector triggers process" and "broadcast to all those who belong to same group"; pg. 3 "trigger the process when near to an active transmitter" and "communication (possibility to directly call user")], and

specifically billing a party for said sending of said message [pg. 2 "profile broker"].

42. (previously presented) A method for finding members of a common interest group with a mobile device, said method comprising the steps of:

building at least one database **[pg. 2: under technical: "database in the network"; pg. 5: database block]** in which a plurality of interest groups are stored **[pg. 1 "different groups" pg. 3 "set up a group" and "register for a group"]**, these interest groups comprising users of terminals **[pg. 5 terminal blocks]**,

storing the database in at least one server accessible from within a radio network **[pg. 1: "web homepage"; pg. 2: "database in the network";,**

storing a predetermined message criterion different from membership in said common interest group for determining when a message is sent to one of said

members **[pg. 3 "active or passive (do not disturb)"; "user switches on monitor for active people"]**; and

sending said message to the one of said members if he is in the vicinity of another of said members and only if said message criterion is satisfied **[Id.]**, wherein

said message contains physical identification characteristics **[pg. 2: profile information]** that enable the personal recognition of the another of said members by the one of said members **[consequence of physical identification characteristics]**.

51. (currently amended) A method for finding members of a common interest group, said method comprising the steps of:

providing a database **[pg. 2: under technical: "database in the network"; pg. 5: database block]** for storing a plurality of digital photographs **[pg.2 profile includes photograph]**, wherein each of said photographs corresponds to a different one of the members **[pg.2 profile information; pg. 1 "different groups" pg. 3 "set up a group" and "register for a group"]**,

storing the database in at least one server accessible from within a radio network **[pg. 1: "web homepage"; pg. 2: "database in the network"; pg. 5: server block**

connected to database block],

determining when one of said members is in the vicinity of another of said members utilizing a mobile device of the one of said members and a mobile device of the another of said members **[pg. 1: "alerts" pg. 2: "proximity detector triggers process" and "broadcast to all those who belong to same group"; pg. 3 "trigger the process when near to an active transmitter" and "communication (possibility to directly call user")];**

sending the digital photograph corresponding to the one of said members to the mobile device of the another of said members when it is determined that the one of said members is in the vicinity of the another of said members **[Id. and pg. 2: Profile includes photograph, pg. 2: "download profiles to phone"; pg.1 profile includes photograph]** and

utilizing said mobile device of the one of said members for enabling the visual identification of the another of said members by the one of said members **[consequence of photograph].**

52. (previously presented) A method for finding members of a common interest group, said method comprising the steps of:

providing a database for storing identifying information about each of said members **[pg. 2: profile information]**,

storing the database in at least one server accessible from within a radio network **[pg. 1: "web homepage"; pg. 2: "database in the network"; pg. 5: server block connected to database block]**,

determining when one of said members is in the vicinity of another of said members utilizing a mobile device of the one of said members and a mobile device of the another of said members **[pg. 1: "alerts" pg. 2: "proximity detector triggers process" and "broadcast to all those who belong to same group"; pg. 3 "trigger the process when near to an active transmitter" and "communication (possibility to directly call user")]**;

sending said identifying information corresponding to the one of said members to the mobile device of the another of said members when it is determined that the one of said members is in the vicinity of the another of said members **[pg. 2: "download profiles to phone"; pg. 2 profile includes photograph]**,

said mobile device of the one of said members using said identifying information for display to the one of said

members for enabling identification of the another of said members by the one of said members , and

the one of said members getting into direct contact with the another of said members by using the displayed identifying information for identifying the another of said members **[pg. 1 "preferred meeting points", "meetings", "conferences",pg. 3 "meeting points"].**

53. (new) A method for finding members of a common interest group with a mobile device, said method comprising the steps of:

building at least one database **[pg. 2: under technical: "database in the network"; pg. 5: database block]** in which a plurality of interest groups are stored **[pg. 1 "different groups" pg. 3 "set up a group" and "register for a group"]**, users of terminals **[pg. 5 terminal blocks]** being members of these interest groups,

providing at least one server accessible from within a radio network for utilizing said database **[pg. 1: "web homepage"; pg. 2: "database in the network"; pg. 5: server block connected to database block]**, and

said server sending a message to at least one of said members if he is in the vicinity of another of said

members of the common interest group **[pg. 1: "alerts" pg. 2: "proximity detector triggers process" and "broadcast to all those who belong to same group"; pg. 3 "trigger the process when near to an active transmitter" and "communication (possibility to directly call user")]**, wherein

said message contains personal profile information related to the another of said members **[pg. 2: "download profiles to phone"; pg. 2 profile includes personal information]**.

REMARKS

The above claims have been mapped to the supporting the disclosure information attached to the DECLARATION UNDER 37 CFR 1.131 ESTABLISHING PRIOR INVENTION to which this appendix is also attached and made part of. Pointers to least some of the pertinent supporting materials are provided in bold brackets after the relevant claim element/limitation, but there may be additional supporting material provided in the disclosure. The date information has been redacted from this document, but is prior to May 19, 1999, as supported, under penalty of perjury, by the inventors' declaration. It is noted that this disclosure information is not necessarily a complete representation of the invention as it existed at the time of its generation, but is instead merely some evidence of the actual invention in the possession of the inventors for supporting the declaration of the inventors.

Please note that the attached disclosure information is provided with some of the material in the Swiss German language, and a translation of this material is provided at the end of the disclosure as an additional attachment.

This appendix has been prepared by the below signed representative of the applicant and has been reviewed by applicant and made part of, and is incorporated in, the Declaration to which it is attached.

Respectfully Submitted,
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